

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUSTY RICHARD DAVIES,

Petitioner,

V.

COMMONWEALTH OF
PENNSYLVANIA, et al.,

Respondents.

Civil Action No. 07-58 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on March 28, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on June 11, 2007, recommended that the petition for writ of habeas corpus be dismissed for Petitioner's failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Cresson, where he is incarcerated, and on Respondents. Petitioner has filed no objections to Chief Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 3rd day of July 2007:

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED for Petitioner's failure to prosecute.

The Report and Recommendation of Chief Magistrate Judge Baxter, filed on June 11, 2007 [3] is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, Chief U.S. Magistrate Judge